

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF COOK

SIXTH JUDICIAL DISTRICT
COURT FILE NO. _____
PROSECUTOR FILE NO. 36.1D70.0216

State of Minnesota,

Plaintiff,

vs.

Daniel Sidney Schlien (DOB: 08/31/1969),
1272 Golf Course Road
Grand Marais, MN 55604

Defendant.

CRIMINAL
COMPLAINT

☐ Summons ☐ Warrant

☒ Order of Detention

☐ Amended

☐ Tab Charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

David Sidney Schlien, on or about December 15, 2011, at the City of Grand Marais in Cook County did unlawfully, wrongfully:

COUNT I

OFFENSE: Attempted Murder in the First Degree (Premeditated)
IN VIOLATION OF: Minn. Stat. §§ 609.185(a)(1); 609.17, subd 1; 609.11, subd 5(a)

MAXIMUM PENALTY: Not less than three years for a first offense or less than five years for a second or subsequent offense with a firearm and/or more than 20 years imprisonment.

Attempt to cause the death of a human being, Cook County Attorney Timothy Christopher Scannell, with premeditation and with intent to effect the death of Timothy Christopher Scannell, and the defendant possessed or used a firearm, a .25 caliber pistol, at the time of the offense.

COUNT II

OFFENSE: Attempted Murder in the First Degree (Premeditated)
IN VIOLATION OF: Minn. Stat. §§ 609.185(a)(1); 609.17, subd 1; 609.11, subd 5(a)

MAXIMUM PENALTY: Not less than three years for a first offense or less than five years for a second or subsequent offense with a firearm and/or more than 20 years imprisonment.

Attempt to cause the death of a human being, Gregory John Thompson, with premeditation and with intent to effect the death of Gregory Thompson, and the defendant possessed or used a firearm, a .25 caliber pistol, at the time of the offense.

COUNT III

OFFENSE: Assault in the Fourth Degree
IN VIOLATION OF: Minn. Stat. § 609.2231, subd. 1
MAXIMUM PENALTY: Three years imprisonment and/or a fine of \$6000.00.
Physically assault a peace officer licensed under Minn. Stat. § 626.845, subd. 1, Cook County Deputy Sheriff Gary Carl Radloff, when that officer was effecting a lawful arrest or executing any other duty imposed by law, and did inflict demonstrable bodily harm.

COUNT IV

OFFENSE: Possession of a Dangerous Weapon and Ammunition Within a Courthouse Complex
IN VIOLATION OF: Minn. Stat. § 609.66, subd. 1g(1)
MAXIMUM PENALTY: Five years imprisonment and/or a fine of \$10,000.00.
Possess a dangerous weapon, a .25 caliber pistol, and ammunition within any courthouse complex.

COUNT V

OFFENSE: Obstructing Arrest
IN VIOLATION OF: Minn. Stat. §§ 609.50, subd. 1(2); 609.50, subd. 2(1)(i)
MAXIMUM PENALTY: Five years imprisonment and/or a fine of \$10,000.00
Obstruct, resist or interfere with a peace officer, Cook County Deputy Sheriff Gary Carl Radloff, while the officer was engaged in the performance of official duties, and the defendant knew or had reason to know that the act created a risk of death or substantial bodily harm.

COUNT VI

OFFENSE: Possession of a Pistol by a Felon
IN VIOLATION OF: Minn. Stat. §§ 624.713, subd 1(2); 624.713, subd. 2(b); 609.11, subd 5(b)
MAXIMUM PENALTY: Not less than five years nor more than 15 years and/or a fine of \$30,000.00

Possess a .25 caliber pistol having been convicted for committing a crime of violence, criminal sexual conduct in the third-degree in Cook County District Court on December 15, 2011, and the defendant possessed or used a firearm, a .25 caliber pistol, at the time of the offense.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant, Jerome Koneczny, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. In this capacity, I have reviewed police reports and statements relating to the above-named defendant and the facts alleged herein. Based upon that information, I believe the following to be true:

Daniel Sidney Schlien, defendant herein, was on trial for two counts of third degree criminal sexual conduct in Cook County, before Judge Mark Munger. The jury began their deliberations around 12:00 p.m. on December 15, 2011. The jury reached their verdicts around 3:30p.m. Defendant returned to the courtroom with his attorney, John Lillie III. Also present were Cook County Attorney Tim Scannell and Gregory Thompson, a subpoenaed witness, along with court staff and members of the public. The jury returned one guilty verdict and one not guilty verdict. Judge Munger accepted the verdicts, then excused the jury. Defendant was allowed to remain on release pending sentencing.

Defendant met with his attorney and his mother, Virginia Bergland, in a conference room on the second floor of the courthouse. Thompson went to the county attorney's office and thanked Scannell for his hard work on the case. Defendant left the conference room and walked towards the county attorney's office. Defendant pulled out a .25 caliber semi-automatic pistol and shot Thompson as he was leaving the office. Defendant then went into the county attorney's office and shot Scannell in the chest. Defendant went back into the hallway and shot Thompson again. Scannell made his way into the office of his assistant county attorney, Molly Hicken. Defendant then pushed his way into her office. The defendant's mother entered the county attorney's office in an attempt to stop her son's attack. A struggle ensued as Hicken, Scannell, defendant's mother, and responding Cook County Sheriff's Deputy Gary Radloff attempted to disarm the defendant and stop his attack. Scannell was shot in the upper thigh area during the struggle. This gunshot wound narrowly missed his femoral artery. Radloff drew his duty weapon to stop the attack of the defendant, however, defendant grabbed the deputy's duty weapon. Cook County Deputy Dave Gilmore responded to the courthouse east entrance. He was let into the courthouse by members of the jury who were huddled in the stairwell. Gilmore went to the second floor where he saw Lillie attending to the injuries of Scannell. Hicken opened the office door, where Gilmore saw defendant on his elbows and knees while Radloff attempted to keep defendant pinned to the ground. Gilmore used his taser on defendant's shoulder, however defendant refused to comply with Gilmore's commands to surrender. Defendant had been handcuffed in front of his body during the struggle. State

Trooper Chris Thostenson arrived and used his taser on defendant's lower back, however defendant was refusing to comply with commands and was attempting to get up. In order to get defendant away from any loose weapons, Thostenson dragged defendant into the hallway. In order for medical personnel to treat the shooting victims, Thostenson proceeded to remove defendant from the building. The .25 caliber semi-automatic pistol was found on the floor inside the assistant county attorney's office. The courthouse was secured with the assistance of state troopers and Minnesota Department of Natural Resources conservation officers.

Once outside the building, Thostenson and Gilmore attempted to search defendant before placing him in a squad car. Defendant continued to resist lawful commands. Defendant placed his hands on top of the protective cage in the squad car and refused to lower his head and enter the squad car. Thostenson used his taser in contact mode to gain compliance and secure defendant in the squad car. Defendant went into the squad car and kicked at Thostenson with both feet.

Defendant was searched as part of the booking process with nine .25 caliber bullets being found in his pocket. The tips of six of the bullets appeared to have been altered, with cross hatch marks. After being booked and fingerprinted, defendant asked State Trooper Aaron Churness, "How is Gary doing, I think he got hurt. I didn't mean for Gary to get hurt."

Scannell and Thompson were transported by ambulance to St. Mary's/Essentia Medical Center in Duluth. Scannell underwent surgery for treatment of bullet wounds to his chest, pelvis, and leg. The gunshot wound to his chest traveled within two inches of his heart. Thompson underwent surgery for bullet wounds to his left leg and left hip. The gunshot wound to his left leg narrowly missed his femoral artery. Radloff suffered a laceration to his right hand as he was attempting to take the gun from defendant and place him under arrest. The injury caused bleeding and swelling, which he was treated for at Cook County North Shore Hospital.

Gilmore spoke with Hicken at North Shore Hospital. She said that she heard gunfire and hid under her desk. She could hear Scannell struggling with defendant. They came into Hicken's office, followed shortly thereafter by Radloff. While Hicken and Radloff struggled with defendant, Scannell was able to leave the office. Hicken and Radloff were able to disarm defendant, but defendant gained control of Radloff's duty weapon and fired shots from it. Hicken and Radloff were able to gain control of Radloff's duty weapon and throw it over the balcony outside of Hicken's office.

After being booked, defendant gave a Mirandized statement to Cook County Chief Deputy Leif Lunde. Defendant stated that he obtained the pistol from his truck after the jury verdicts had been read. Defendant claimed he was upset and frustrated for being convicted of a crime he did not commit. He said that it was not his intention to kill anyone, but rather he wanted to hurt them and give them something to remember, indicating they had screwed with the wrong guy.

Later on December 15, 2011, defendant gave another Mirandized statement to Minnesota Bureau of Criminal Apprehension ("BCA") Special Agents Koneczny and Paul Gherardi. Defendant stated that he shot Thompson first, after hearing him thank Scannell for prosecuting the case. Defendant stated that his initial intention was to confront Scannell about the conviction, but when he heard Thompson thanking Scannell, he decided to shoot Thompson upon Thompson's departure from Scannell's office. Defendant then entered the

county attorney's office to shoot Scannell, who defendant indicated was his original target. Defendant reiterated that he shot Scannell after Scannell ducked behind a counter and that he aimed at Scannell's lower extremities. After shooting Scannell, defendant stated he went into the hallway and saw that Thompson had moved to a landing between the first and second floors. Defendant then shot Thompson again and returned to the county attorney's office where he was wrestled to the ground and arrested. Defendant stated that he did not intend for the court deputy to be hurt. Defendant indicated that he felt bad and was remorseful that Radloff had been hurt. Defendant stated that he had a plan and intended to hurt Scannell if he was found guilty, but did not intend on killing either Scannell or Thompson. Defendant indicated he did not have a plan for escape and was thinking of suicide or being shot by a cop.

On December 16, 2011, defendant gave a Mirandized statement to Special Agent Koneczny. Defendant stated that he obtained the .25 caliber semi-automatic pistol from his house during the jury deliberation period and returned to the courtroom with the gun to receive the jury verdicts. Defendant stated that he planned to get revenge on Scannell if he was found guilty and perhaps kill himself or have a law enforcement officer shoot him. Defendant said that he approached the county attorney's office and heard Thompson thanking Scannell for what the defendant viewed as "wrecking my life." Defendant shot Thompson in the hallway, which sent Thompson to the ground. Defendant said he entered the county attorney's office and observed Scannell duck under a partition wall and that he leaned over to shoot Scannell, not intending to kill him, but to let him know that he had "fucked with the wrong guy." Defendant said that he went back into the hallway and saw that Thompson had moved, so he shot him a second time. He then went back into the county attorney's office where the people present "piled on" him. He admitted that he had altered the tips of the .25 caliber bullets with a hacksaw, but stated that he had altered the bullets one year prior. Defendant stated that he used the altered bullets because he believed they would inflict greater damage.

A BCA forensic evidence team took control of the Cook County Courthouse as a crime scene and searched for forensic evidence. The crime scene team found three spent .25 caliber casings in the county attorney's office. Two .25 caliber casings were found in the common area of the courthouse in proximity to where Thompson was located.

Agents Koneczny and Gherardi interviewed M.M. as a part of this investigation. M.M. is a former girlfriend of defendant, having dated him for about five years. M.M. told agents that she had a phone conversation with the defendant on the evening of December 14, 2011. During the conversation, M.M. stated the defendant indicated he did not think things were going good in his case. Defendant indicated the main prosecution witness in his case had done a very good job testifying. Defendant indicated he had a plan on what he was going to do if he was convicted. Defendant would not elaborate on what the plan was when asked by M.M., but indicated words to the effect of "you'll know it when you see it." M.M. indicated she was concerned about defendant's state of mind and asked him if he planned to kill himself. Defendant indicated he had no plans to kill himself.

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant
otherwise be dealt with according to law.

COMPLAINANT'S NAME:

Special Agent Jerome Koneczny

COMPLAINANT'S SIGNATURE:

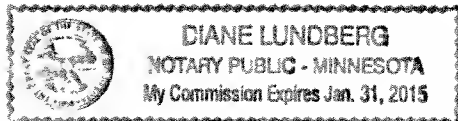
Jerome A. Koneczny

Subscribed and sworn to before the undersigned this 19th day of Dec, 2011.

NAME/TITLE:

Diane Lundberg

SIGNATURE:



Being authorized to prosecute the offenses charged, I approve this complaint.

Date: December 17, 2011

PROSECUTING ATTORNEY'S SIGNATURE

Wm. F. Klumpp, Jr.

Name: Wm. F. Klumpp, Jr.
Assistant Attorney General
Suite 1800, 445 Minnesota Street
St. Paul, MN 55101
651-757-1497
Attorney Registration No. 0056741

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any support affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps to be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

☐ SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ Execute in MN Only

☐ Execute Nationwide

☐ Execute in Border States

☒ ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 19 day of December, 2011.

JUDICIAL OFFICER:

NAME:

TITLE:

SIGNATURE



Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF COOK
STATE OF MINNESOTA

STATE OF MINNESOTA,

Plaintiff,

Vs.

DANIEL SIDNEY SCHLIENZ,

Defendant.

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - ORDER OF DETENTION upon the Defendant herein named.

Signature of Authorized Service Agent:

DEFENDANT DATA / CHARGE SHEET - ATTACHMENT A

DEFENDANT NAME: Daniel Sidney SchlienZ

Defendant alias name(s): N/A

Defendant DOB: 08/31/1969

Alias DOB(s): N/A

Defendant last known address: 1272 Golf Course Road
Grand Marais, MN 55604

State ID: MN91006779

OTHER DEFENDANT / CASE IDENTIFIERS:

Fingerprinted? ☒ No ☐ Yes

Handgun permit? ☒ No ☐ Yes (Issuing Agency):

Location of Violation: _____

IF DRIVING OFFENSE:

Driver's License Number: _____
Issuing State: _____

License Plate Number: _____
Issuing State: _____

Accident Type: ☐ No injury/no damage ☐ Property Damage
check all that apply ☐ Personal Injury ☐ Fatality

Blood Alcohol Concentration (BAC): _____

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs And Text Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Control Numbers
1	Charge	12/15/11	609.185(a)(1) 609.17, subd. 1 Attempted Murder in the 1st Degree	Felony	H1018	A	MN016000	11000110
2	Charge	12/15/11	609.185(a)(1) 609.17, subd. 1 Attempted Murder in the 1st Degree	Felony	H1012	A	MN016000	11000110
3	Charge	12/15/11	609.2231, subd. 1 Assault in the 4th Degree	Felony	A4317	N	MN016000	11000110
4	Charge	12/15/11	609.66, subd. 1g(1) Possession of Dangerous Weapon In Courthouse Complex	Felony	W1L29	N	MN016000	11000110
5	Charge Penalty	12/15/11	609.50, subd. 1(2) 609.50, subd. 2(1)(i) Obstructing Arrest	Felony	X1080	N	MN016000	11000110
6	Charge Penalty	12/15/11	624.713, subd. 1(2) 624.713, subd. 2(b) Felon in Possession of a Pistol	Felony	A5358	N	MN016000	11000110
7								